

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 36

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Clinton D. Harden

FOR THE WELFARE REFORM OVERSIGHT COMMITTEE

AN ACT

RELATING TO PUBLIC BENEFITS; REQUIRING THE HUMAN SERVICES DEPARTMENT TO CONSOLIDATE ELIGIBILITY, WHEREVER POSSIBLE, FOR CERTAIN PUBLIC ASSISTANCE PROGRAMS; ESTABLISHING ELIGIBILITY FOR CHILD CARE ASSISTANCE FOR APPLICANTS FOUND ELIGIBLE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2-1 NMSA 1978 (being Laws 1973, Chapter 376, Section 1) is amended to read:

"27-2-1. SHORT TITLE.--Sections [~~1 through 20 of this act and Sections 13-1-9, 13-1-10, 13-1-12, 13-1-13, 13-1-17, 13-1-18, 13-1-18.1, 13-1-19, 13-1-20, 13-1-20.1, 13-1-21, 13-1-22, 13-1-27, 13-1-27.2, 13-1-27.3, 13-1-27.4, 13-1-28, 13-1-28.6, 13-1-29, 13-1-30, 13-1-34, 13-1-35, 13-1-37, 13-1-39, 13-1-40, 13-1-41 and 13-1-42 NMSA 1953]~~ 27-2-1 through
.174444.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 27-2-34 NMSA 1978 may be cited as the "Public Assistance Act"."

2 Section 2. Section 27-2-4 NMSA 1978 (being Laws 1973,
3 Chapter 376, Section 4, as amended) is amended to read:

4 "27-2-4. ELIGIBILITY REQUIREMENTS.--

5 A. Consistent with the federal act, a person is
6 eligible for public assistance grants under the Public
7 Assistance Act if:

8 [~~A.~~] (1) pursuant to Section [~~13-17-3 NMSA~~
9 ~~1953~~] 27-2-3 NMSA 1978, the total amount of [~~his~~] the person's
10 nonexempt income is less than the applicable standard of need;
11 [~~and~~

12 ~~B.~~] (2) nonexempt specific and total resources
13 are less than the level of maximum permissible resources
14 established by the [~~board; and~~] income support division of the
15 human services department;

16 [~~C. he~~] (3) the person meets all
17 qualifications for one of the public assistance programs
18 authorized by the Public Assistance Act; [~~and~~

19 ~~D.~~] (4) within two years immediately prior to
20 the filing of an application for assistance, [~~he~~] the person
21 has not made an assignment or transfer of real property unless
22 [~~he~~] the person has received a reasonable return for the real
23 property or, if [~~he~~] the person has not received [~~such~~] a
24 reasonable return, [~~he~~] the person is willing to attempt to
25 obtain such return and, if [~~such~~] that attempt proves futile,

.174444.1

underscored material = new
[bracketed material] = delete

1 [he] the person is willing to attempt to regain title to the
2 property; ~~and~~

3 ~~E. he~~ (5) the person is not an inmate of any
4 public nonmedical institution at the time of receiving
5 assistance; and

6 ~~F. he~~ (6) the person is a resident of New
7 Mexico.

8 B. To the extent possible, the department shall
9 consider an applicant's eligibility for every program of
10 financial support under the Public Assistance Act when
11 documenting the eligibility for one program and, wherever
12 possible, shall qualify an applicant as eligible for a program
13 when eligible for any other program.

14 C. If an applicant for a child care subsidy is
15 eligible to receive funds through the temporary assistance for
16 needy families program, the applicant is also eligible for a
17 child care subsidy."

18 Section 3. Section 27-2-7 NMSA 1978 (being Laws 1973,
19 Chapter 376, Section 10, as amended by Laws 1998, Chapter 8,
20 Section 27 and by Laws 1998, Chapter 9, Section 27) is amended
21 to read:

22 "27-2-7. GENERAL ASSISTANCE PROGRAM--QUALIFICATIONS AND
23 PAYMENTS.--

24 A. Subject to the availability of state funds,
25 public assistance shall be provided under a general assistance

.174444.1

underscored material = new
[bracketed material] = delete

1 program to or on behalf of eligible persons who:

2 (1) are under eighteen years of age and meet
3 all eligibility conditions for the New Mexico Works Act except
4 the relationship to the person with whom they are living;

5 (2) are over the age of eighteen and are
6 disabled, according to rules of the department, and are not
7 receiving cash assistance or services pursuant to the New
8 Mexico Works Act;

9 (3) meet the qualifications under other rules
10 for the general assistance program as the department shall
11 establish; or

12 (4) are lawful resident immigrants who would
13 otherwise be eligible for cash assistance or services pursuant
14 to the New Mexico Works Act except that they began residing in
15 the United States after August 22, 1996.

16 B. To the extent possible, the department shall
17 consider an applicant's eligibility for every program of
18 financial support under the Public Assistance Act when
19 documenting the eligibility for one program and, wherever
20 possible, shall qualify an applicant as eligible for a program
21 when eligible for any other program.

22 [~~B.~~] C. General assistance program payments may be
23 made directly to the recipient or to the vendor of goods or
24 services provided to the recipient. The department may by rule
25 limit the grants that are made to general assistance

.174444.1

underscoring material = new
[bracketed material] = delete

1 recipients.

2 [~~G-~~] D. Whenever the department makes an adjustment
3 in the standard of need for the New Mexico Works Act, subject
4 to the availability of state funds, it shall make a
5 commensurate adjustment in the standard of need for the general
6 assistance program."

7 Section 4. Section 27-2B-4 NMSA 1978 (being Laws 1998,
8 Chapter 8, Section 4 and Laws 1998, Chapter 9, Section 4, as
9 amended) is amended to read:

10 "27-2B-4. APPLICATION--RESOURCE PLANNING SESSION--
11 INDIVIDUAL RESPONSIBILITY PLANS--PARTICIPATION AGREEMENT--
12 REVIEW PERIODS.--

13 A. Application for cash assistance or services
14 shall be made to the department. The application shall be in
15 writing or reduced to writing in the manner and on the form
16 prescribed by the department. The application shall be made
17 under oath by an applicant having custody of or residing with a
18 dependent child who is a benefit group member and shall contain
19 a statement of the age of the child, residence, a complete
20 statement of the amount of property in which the applicant has
21 an interest, a statement of all income that the applicant and
22 other benefit group members have at the time of the filing of
23 the application and other information required by the
24 department.

25 B. The department shall assist an applicant in

.174444.1

underscored material = new
[bracketed material] = delete

1 completing the application for cash assistance or services and
2 shall evaluate an applicant to determine eligibility for all
3 department programs for which the applicant is eligible. The
4 department shall process all expedited food stamp applications
5 within two business days of submission, and the department
6 shall deliver expedited food stamps to an eligible applicant
7 within seven days of the application.

8 C. At the time of application for cash assistance
9 and services, an applicant and the department shall identify
10 everyone who is to be counted in the benefit group. Once an
11 application is approved, the participant shall advise the
12 department if there are any changes in the membership of the
13 benefit group.

14 D. No later than thirty days after an application
15 is filed, the department shall provide to an applicant a
16 resource planning session to ascertain the applicant's
17 immediate needs, assess financial and nonfinancial options,
18 make referrals and act on the application.

19 E. No later than five days after an application is
20 approved, the department shall provide reimbursement for child
21 care.

22 F. Whenever the department receives an application
23 for assistance, a verification and record of the applicant's
24 circumstances shall promptly be made to ascertain the facts
25 supporting the application and to obtain other information

.174444.1

underscored material = new
[bracketed material] = delete

1 required by the department. The verification may include a
2 visit to the home of the applicant, as long as the department
3 gives adequate prior notice of the visit to the applicant.

4 G. No later than fifteen days after an application
5 is approved, the department shall assess the education, skills,
6 prior work experience and employability of the participant.

7 H. After the initial assessment of skills, the
8 department shall work with the participant to develop an
9 individual responsibility plan that:

10 (1) sets forth an employment goal for the
11 participant and a plan for moving the participant into
12 employment;

13 (2) sets forth obligations of the participant
14 that may include a requirement that the participant attend
15 school, maintain certain grades and attendance, keep the
16 participant's school-age children in school, immunize the
17 participant's children or engage in other activities that will
18 help the participant become and remain employed;

19 (3) is designed to the greatest extent
20 possible to move the participant into whatever employment the
21 participant is capable of handling and to provide additional
22 services as necessary to increase the responsibility and amount
23 of work the participant will handle over time;

24 (4) describes the services the department may
25 provide so that the participant may obtain and keep employment;

.174444.1

underscoring material = new
[bracketed material] = delete

1 and

2 (5) may require the participant to participate
3 in appropriate services, such as substance abuse, domestic
4 violence or mental health services.

5 I. The participant and the department shall sign
6 the participant's individual responsibility plan. The
7 department shall not allow a participant to decline to
8 participate in developing an individual responsibility plan.
9 The department shall not waive the requirement that a
10 participant develop an individual responsibility plan. The
11 department shall emphasize the importance of the individual
12 responsibility plan to the participant.

13 J. If a participant does not develop an individual
14 responsibility plan, refuses to sign an individual
15 responsibility plan or refuses to attend semiannual reviews of
16 an individual responsibility plan, the participant shall be
17 required to enter into a conciliation process pursuant to
18 Subsection C of Section 27-2B-14 NMSA 1978. If the participant
19 persists in noncompliance with the individual responsibility
20 plan process after the conciliation process, the participant
21 shall be subject to sanctions pursuant to Section 27-2B-14 NMSA
22 1978.

23 K. The participant shall also sign a participation
24 agreement that designates the number of hours that the
25 participant must participate in work activities to meet

.174444.1

underscored material = new
[bracketed material] = delete

1 participation standards.

2 L. The department shall review the current
3 financial eligibility of a benefit group when the department
4 reviews food stamp eligibility.

5 M. To the extent possible, the department shall
6 consider an applicant's eligibility for every program of
7 financial support under the Public Assistance Act when
8 documenting the eligibility for one program and, wherever
9 possible, shall qualify an applicant as eligible for a program
10 when eligible for any other program.

11 [~~M-~~] N. The department shall meet semiannually with
12 a participant to review and revise the participant's individual
13 responsibility plan.

14 [~~N-~~] O. The department shall develop a complaint
15 procedure to address issues pertinent to the delivery of
16 services and other issues relating to a participant's
17 individual responsibility plan."

18 - 9 -